

104TH CONGRESS
1ST SESSION

H. J. RES. 27

Proposing an amendment to the Constitution of the United States barring
Federal unfunded mandates to the States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. FRANKS of New Jersey (for himself, Mr. CONDIT, Mr. BLUTE, Mr. EMERSON, Mr. SMITH of Texas, Mr. SAXTON, Mr. LOBIONDO, Mr. FRELINGHUYSEN, and Ms. DANNER) introduced the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United
States barring Federal unfunded mandates to the States.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled*
3 *(two-thirds of each House concurring therein), That the fol-*
4 *lowing article is proposed as an amendment to the Con-*
5 *stitution of the United States, which shall be valid to all*
6 *intents and purposes as part of the Constitution when*
7 *ratified by the legislatures of three-fourths of the several*

1 States within seven years after the date of its submission
2 for ratification:

3 “ARTICLE —

4 “SECTION 1. Except as provided in section 2, no obli-
5 gation imposed by or pursuant to an Act of Congress upon
6 a State shall be enforceable against that State unless the
7 Federal Government provides to the State the money
8 needed to pay the State’s cost of complying with the obli-
9 gation, and no condition imposed by or pursuant to an
10 Act of Congress on the receipt of Federal assistance by
11 a State shall be enforceable against that State unless the
12 condition is directly and substantially related to the spe-
13 cific subject matter of the assistance. For the purposes
14 of this article, a State includes any subdivision or instru-
15 mentality of any of the several States.

16 “SECTION 2. Congress may, by separate Act of Con-
17 gress addressed solely to a single Act of Congress impos-
18 ing an obligation or making a condition for assistance that
19 would otherwise not take effect by reason of section 1,
20 make an exception to section 1 of this article with respect
21 to that obligation or condition. However, any Act of Con-
22 gress making such an exception shall not take effect unless
23 agreed to by two-thirds of the members of each House.”.

24 “SECTION 3. A judicial order enforcing this article
25 may direct that an obligation or condition is not enforce-

1 able against a State, but shall not direct that the Federal
2 Government provide to the State money needed to pay the
3 State's cost of complying with the obligation.

4 "SECTION 4. Section 1 of this article applies only
5 with respect to an obligation or condition that first takes
6 effect after the date of the ratification of this article."

